

Town of Loxahatchee Groves

Regular Town Council Meeting
Tuesday, May 17, 2016 at 7:00 p.m.

MINUTES

1. OPENING

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 p.m. Present were Mayor David Browning, Vice Mayor Tom Goltzené and Council Members Ronald Jarriel and Todd McLendon. Also present was Town Manager Bill Underwood, Town Attorney Michael D. Cirullo, Jr., Town Planning Consultant Jim Fleischmann and Town Clerk Virginia Walton. Council Member Ryan Liang was absent.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of the Agenda

Item #9a was added for discussion of Big Dog Ranch. The minutes for the April 19, 2016 Regular Town Council Meeting was pulled for a correction and item 3d Resolution No. 2016-38 was pulled for discussion.

Motion: a motion to approve the agenda, as revised, was made by Council Member McLendon and seconded by Vice Mayor Goltzené. Motion passed 4 – 0.

2. PUBLIC COMMENTS

Mark Jackson, 8th Place North, stated his road was private even though the Town kept saying it was public. His attorney had been requesting documents, but has received nothing. His gate has been moved twice. This is a private complaint between neighbors.

Karen Piesley, D Road, stated that the Big Dog site was not what they agreed to and originally presented. There are not to be dogs there until a Certificate of Occupancy is issued; but they have turned construction trailers into clinics. They are breaking the rules and the law. They are not good neighbors to us. This is wrong. They are saying this is a hardship on them, but they created the problem.

Dennis Lipps, stated he was Chair of the P&Z Board. When they came before the Board to discuss the property, along with the proposed land use and zoning, they had some sort of agreement with the Attorney to keep the horse business going. They had until the end of the equestrian season to get everything going. Because of code issues, things have come to a stop. The Town needs to see that this is handled properly. Big Dog is just as bad.

Marge Herzog announced she had been instrumental in winning a grant for a passive park, and also street banners for A,B,C,D,E & F Roads.

Dr. Omar asked for the status on his road, 8th Place North. A clarification if it was private or public. Manager Underwood responded that the road was public. There were aerials showing the road. His road was not on this set of maintenance maps, but would be on another. The Town had moved the gate and fence twice since it kept being replaced.

Betty Argue, President of Loxahatchee Groves Elementary PTO, thanked the Town for their donation and reminded them the Carnival was this Saturday.

3. CONSENT AGENDA

(Public Comment will be permitted on consent agenda items prior to Council vote)

- a. Minutes: April 19, 2016 Special Town Council Meeting
April 19, 2016 Regular Town Council Meeting (pulled for discussion)

- b. RESOLUTION NO. 2016-36 (ILA Surtax)

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY FOR THE PURPOSE OF DISTRIBUTION OF PROCEEDS FROM A ONE-CENT SURTAX FOR INFRASTRUCTURE IMPROVEMENTS; AND PROVIDING AN EFFECTIVE DATE.

- c. RESOLUTION NO. 2016-37 (Change Orders)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING CHANGE ORDER NO. 1 FOR "C" ROAD/GRUBER LANE, IN THE AMOUNT OF \$1,625.00; AND APPROVING CHANGE ORDER NO. 2 FOR "D" ROAD/TRIPP ROAD, IN THE AMOUNT OF \$1,650.00, FOR THE DRAINAGE IMPROVEMENTS CONTRACT AWARDED TO WBI CONTRACTING OF PALM BEACH INC. UNDER BID NO. 2016-003, AND AUTHORIZING THE EXECUTION OF THE CHANGE ORDERS; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: a motion to approve the consent agenda, as revised, was made by Council Member McLendon and seconded by Vice Mayor Goltzené. Motion passed 4 – 0.

This item was pulled from consent agenda for discussion

- d. RESOLUTION NO. 2016-38 (maintenance maps)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ACCEPTING THE ROADWAY MAP FOR THE FOLLOWING ROADS REGULARLY MAINTAINED OR REPAIRED FOR AT LEAST THE IMMEDIATE PAST SEVEN (7) YEARS BY THE TOWN OF LOXAHATCHEE

GROVES: 11TH TERRACE (BLOCK C), 12TH PLACE NORTH (BLOCK E), 14TH PLACE NORTH (BLOCK E), 17TH ROAD NORTH (BLOCK B), 21ST ROAD NORTH (BLOCK C), 22ND COURT NORTH (BLOCK F), 22ND ROAD NORTH (BLOCK C), 22ND ROAD NORTH (BLOCK E), 22ND ROAD NORTH (BLOCK F), 23RD COURT NORTH (BLOCK E), 24TH CIRCLE NORTH (BLOCK C), 24TH COURT NORTH (BLOCK C), 24TH COURT NORTH (BLOCK D), 24TH COURT NORTH (BLOCK E, EAST OF E ROAD), 24TH COURT NORTH (BLOCK E, WEST OF F ROAD), 24TH COURT NORTH (BLOCK F), BIDDIX ROAD (BLOCK D), BRYAN ROAD (BLOCK F), BUNNY LANE (BLOCK C), (WILSON) CASEY ROAD (BLOCK F), COMPTON ROAD (BLOCK F), EAST CITRUS DRIVE (BLOCK K), EDITH ROAD (BLOCK E), FARLEY ROAD (BLOCK E), FLAMINGO DRIVE (BLOCK C), FOREST LANE (BLOCK B), FOX TRAIL (BLOCK E), GRUBER LANE, (BLOCK C), HYDE PARK ROAD (BLOCK E), KAZEE ROAD (BLOCK G), KERRY LANE (BLOCK E), LOS ANGELES DRIVE (BLOCK B), MARCELLA BOULEVARD (BLOCK F), MARCH CIRCLE (BLOCK F), MORROW COURT (BLOCK B), PARADISE TRAIL (BLOCK C), RACKLEY ROAD (BLOCK F), RAYMOND DRIVE (BLOCK F), ROBERTS WAY (BLOCK B), SAN DIEGO DRIVE (BLOCK B), SCOTTS PLACE (BLOCK B), TEMPLE DRIVE (BLOCK I), TIMBERLANE PLACE (BLOCK B), WILLIAMS DRIVE (BLOCK B); AUTHORIZING THE MAYOR AND TOWN CLERK TO CERTIFY THE ROADWAY MAPS ACCEPTED HEREBY; AUTHORIZING THE FILING OF THE ROADWAY MAPS IN THE OFFICE OF THE CIRCUIT COURT FOR PALM BEACH COUNTY, FLORIDA; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE STEPS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Joannie DeWitt Hopkins, 23rd Court North, stated she had never received any letter about making her road public and she disagreed. She spoke to some of her neighbors today and most of them told her they were not aware of this either. She stated the road had only been maintained in the past year and a half. She wanted more information on this and submitted letters from her neighbors stating they road had not been maintained until the past year and a half. Council advised Ms. DeWitt Hopkins that the road would have to stay on for this year.

Motion: a motion to receive and file the seven letters was made by Council Member Jarriel and seconded by Council Member McLendon. Motion passed 4 – 0.

Town Attorney Cirullo stated the Town had been filing the road maps since 2008, and had paid for maintenance through contractors or the Water Control District during that time period. If the residents wanted their road private, the Town would need to vote to vacate the road. Once the maps were filed and recorded, it was no longer just a matter of taking them off a list. There was a formal process for vacating a road.

Bill Louda, E Road, stated a long time ago if you got postal service and garbage pick-up, then you were a public road. If the residents want their road private, they would have to move their mailboxes together to the end of the road.

Dr. Omar, 8th Place North, stated if his road was showing as public, then he needed action on the gate blocking his access. Town Attorney Cirullo added that Mr. Jackson's Attorney had been send some of the records and advised that other records might be in storage, which would require time to sort through.

Charles Hannong, 23rd Court N., wanted to know how many property owners on a street were need to make it private. Town Attorney Cirullo responded everyone on the street would have to agree and make a request to vacate the road.

Mayor Browning added that the Town had an agreement with the Water Control District, with a list of roads. The Town received and paid invoices for maintenance of those roads.

Mark Jackson added that no one had maintained his road until this year. Mayor Browning responded that was in conflict with what the Water Control District says.

Virginia Standish, North Road, stated the live streaming of the meetings was appreciated but the Council needed to stop telling people that a road has to be public in order to get mail delivery and garbage pick-up. There are private roads that get both. Mayor Browning responded that our waste carrier had said no for private roads. Council Member McLendon added that Breakers West was all private but got mail and garbage.

Katie Lakeman, 25th Place N., wanted to know how half her road was private and half public. Her neighbor had put a fence in the middle of the road.

Keith Harris, C Road, responded to Ms. Lakeman that the owner of all the southwest property asked to be taken off the gas tax map and made private. The first 600 feet of the road remains public.

Vice Mayor Goltzené added that if the road was public on both sides of a canal, then the culverts would be public too.

Motion: a motion to accept the roadway maintenance maps was made by Vice Mayor Goltzené and seconded by Council Member McLendon. Motion passed 4 – 0.

[This item was pulled from consent agenda for discussion](#)

3a. Minutes: April 19, 2016 Regular Town Council Meeting

Council Member McLendon stated on page 15 of 151, the motion to approve the code enforcement amendment to the Management Services Agreement was originally set forth limited to commercial properties and complaint based violations based only on health and safety. The motion was never amended to include garbage dumps and noise. The Town Clerk had reviewed the video recording and confirmed this.

Motion: a motion to take out the last sentence about Council prioritizing in order of importance, and amending to read as the motion was originally set for above was made by Council Member McLendon and seconded by Vice Mayor Goltzené. Motion passed 4 – 0.

4. **PRESENTATIONS – none scheduled**

5. **COMMITTEE REPORTS – none scheduled**

6. **PUBLIC HEARINGS - ORDINANCES**

a. ORDINANCE NO. 2016-02 (Charter Amendment - Second Reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, SECTION 7, ENTITLED “ELECTIONS,” TO AMEND SUBSECTION (5) ENTITLED “TOWN CANVASSING BOARD,” TO PROVIDE FOR THE TOWN CLERK, AND TWO OTHER MEMBERS TO BE APPOINTED BY RESOLUTION OF THE TOWN COUNCIL TO SERVE AS THE TOWN’S CANVASSING BOARD, AND TO AMEND THE DUTIES OF THE CANVASSING BOARD, PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AT A SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the ordinance by title. Notice of public hearing was placed in the Palm Beach Post on May 7, 2016. There were no comments from the Council or from the public.

Motion: a motion to adopt the ordinance on second and final reading was made by Council Member McLendon and seconded by Council Member Jarriel. Roll call vote was in favor of adoption 4 – 0.

b. ORDINANCE NO. 2016-03 (Charter Amendment – Second Reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, SECTION 4, ENTITLED “ADMINISTRATIVE,” TO AMEND SUBSECTION (3) ENTITLED “TOWN MANAGER” TO CLARIFY CONTRACTING WITH THE TOWN MANAGER OR TOWN MANAGEMENT FIRM, TO AMEND THE QUALIFICATIONS LANGUAGE

TO PROVIDE THAT THE QUALIFICATIONS OF THE TOWN MANAGER MAY BE ESTABLISHED BY ORDINANCE, AND AMEND CERTAIN DUTIES OF THE TOWN MANAGER; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AT A SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the ordinance by title. Notice of public hearing was placed in the Palm Beach Post on May 7, 2016. There were no comments from the Council or from the public.

Motion: a motion to adopt the ordinance on second and final reading was made by Council Member McLendon and seconded by Council Member Jarriel. Roll call vote was in favor of adoption 4 – 0.

c. ORDINANCE NO. 2016-04 (Charter Amendment – Second Reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, TO AMEND SECTION 6, ENTITLED “BUDGET AND APPROPRIATIONS,” TO DELETE SUBSECTION (6) ENTITLED “REVENUE BONDS; LEASE-PURCHASE CONTRACTS,” WHICH WOULD REMOVE THE REQUIREMENT THAT CERTAIN TYPES OF BORROWING THAT EXCEED A REPAYMENT TERM OF THIRTY SIX (36) MONTHS BE APPROVED BY REFERENDUM ELECTION; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH THE STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AS A SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the ordinance by title. Notice of public hearing was placed in the Palm Beach Post on May 7, 2016. There were no comments from the Council. Lawrence Corning wanted to know if this took out the requirement for a referendum vote on all debt. Attorney Cirullo responded this would put the Town’s policies in line with the State Laws, therefore some debt would still require a referendum vote and some would not. Mr. Corning responded he was not in favor of this. There were no further public comments.

Motion: a motion to adopt the ordinance on second and final reading was made by Council Member McLendon and seconded by Council Member Jarriel. Roll call vote was in favor of adoption 4 – 0.

d. ORDINANCE NO. 2016-05 (Code Amendment - Second Reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, TO ENACT SEXUAL OFFENDER AND PREDATOR PROHIBITIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR FINDINGS AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PROHIBITION FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS CONVICTED OF CRIMES UNDER CERTAIN FLORIDA STATUTES OR SIMILAR CRIMES IN OTHER JURISDICTIONS FROM LIVING OR WORKING WITHIN 2500 FEET OF SPECIFIED LOCATIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR A PROHIBITION FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS FROM WORKING AT OR WITHIN SPECIFIED LOCATIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES; TO PROHIBIT RENTING OR LEASING OF ANY PLACE, STRUCTURE, OR PART THEREOF, TRAILER OR OTHER CONVEYANCE LOCATED WITHIN 2500 FEET OF SPECIFIED LOCATIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES TO SEXUAL OFFENDERS AND SEXUAL PREDATORS; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the ordinance by title. Notice of public hearing was placed in the Palm Beach Post on May 7, 2016. There were no comments from the Council or from the public.

Motion: a motion to adopt the ordinance on second and final reading was made by Council Member McLendon and seconded by Council Member Jarriel. Roll call vote was in favor of adoption 4 – 0.

7. MANAGER'S REPORT – Town Manager Underwood

- a. Agenda Item Report – Updates on various activities and issues concerning the Town
 - 8th Place North – several documents have been transmitted to Mr. Jackson's Attorney and the Town has requested more from the Water Control District.
 - The code officer will begin on June 1st.
 - Big Dog Ranch – PBC has inspected the site and found problems
- b. Palm Beach Sheriff's Office District 15 Monthly Report for April 2016

8. OLD BUSINESS

- a. RESOLUTION No. 2016-21 (Site Plan) – **QUASI-JUDICIAL HEARING**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE

GROVES, FLORIDA, APPROVING THE GROVES MEDICAL PLAZA SITE PLAN AMENDMENT, FOR LAND OWNED BY GROVES MEDICAL PLAZA, LLC, CONSISTING OF 3.43 ACRES MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND "F" ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Manager Underwood advised the Council that this resolution had been continued at the April 19th meeting, and again at the May 3rd meeting so that some sort of agreement could be reached between the Applicant and their neighbor, Farmer Girl Market. Presentation of the entire site plan had been done at previous meetings, and remained on the record. Town Attorney Cirullo swore in Jim Fleischmann, Ryan Johnston and Julie Campbell.

Mr. Johnston had a powerpoint presentation, which could not be shown at the meeting but was submitted to the clerk for the record, and containing an aerial view of the sites from 2011/2012. Mr. Johnston read into the record a summary of a meeting with DOT in 2012, in which DOT stated they installed the guardrail for safety reasons along what they considered an illegal access. In 2006 there was a cross access agreement with a 40 foot easement road. There has been another meeting between DOT, Mr. Fleischmann, Julie Campbell and Mr. Johnston. Mr. Johnston's clients had completed the access to the fence of Ms. Campbell's property. There was approximately 100 feet of landscape to reach her parking lot. At the meeting Ms. Campbell had agreed to extend the easement to her parking lot; however, now does not wish to do so unless the Applicant pays for the work. At this meeting DOT stated it had been their decision to put up the guardrail. Ms. Campbell provided a copy of an email she received from the Applicant with an aerial to show the access suggested.

Motion: a motion to receive and file the copy of the email was made by Council Member Jarriel and seconded by Council Member McLendon. Motion passed 4 – 0.

Ms. Campbell then stated she did not think DOT would have put up the guardrail if the property owners had not encouraged them to do so. She felt this was a road by prescription since it had been there for so long. She did not disagree with what they are proposing to do; but if they want something from her then she wants something from them.

Motion: a motion to receive and file the copy of the letters read by Mr. Johnston was made by Council Member McLendon and seconded by Council Member Jarriel. Motion passed 4 – 0.

Council felt that the Applicant needed to make more effort to work with Farmer Girl Market to mitigate the impact to their business and give the community back the access to this site that had been removed by the guardrail. The Council agreed to table this item until the next meeting, but it was the last time it would be continued. Mr. Johnston asked for clarification since they had provided a paved access to a leaver road up to her property. He agreed to table the item for now and would go back to his clients. He felt they would have to put the client's integrity aside just to get this project approved. Mayor Browning disagreed and stated he wished everyone had fought more to straighten this out at the beginning of the original construction on this project.

Motion: a motion to table this item until the next council meeting was made by Council Member Jarriel and seconded by Council Member McLendon. Motion passed 4 – 0.

Mayor Browning called a break at 8:27 pm. Meeting resumed at 8:37 pm.

b. RESOLUTION NO. 2016-32 (Appointment P&Z)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____ AND _____, AS ALTERNATE MEMBERS OF THE TOWN'S PLANNING AND ZONING BOARD TO SERVE A TERM OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

This item was continued to the next meeting as Council did not have any nominations to bring forward tonight.

c. RESOLUTION NO. 2016-33 (Appointment FAAC)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____, AS A VOTING MEMBER OF THE FINANCE ADVISORY AND AUDIT COMMITTEE, TO SERVE A TERM OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

This item was continued to the next meeting since Council Member Liang was absent and this was his appointment.

d. RESOLUTION NO. 2016-34 (Appointment RETRAG)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____ AS A VOTING MEMBER OF THE ROADWAY, EQUESTRIAN TRAILS AND GREENWAY ADVISORY COMMITTEE (RETGAC), TO SERVE A TERM OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Council Member McLendon nominated Hollie Proesel as a member of the RETGAC Committee.

Motion: a motion to approve Hollie Proesel as a member of the RETGAC Committee was made by Council Member McLendon and seconded by Vice Mayor Goltzené. Motion passed 4 – 0.

e. RESOLUTION NO. 2016-35 (Appointment ULDC)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____, AS A REGULAR VOTING MEMBER, AND APPOINTING _____ AS AN ALTERNATE MEMBER OF THE TOWN'S ULDC ADVISORY COMMITTEE, TO SERVE TERMS THAT EXPIRE ON THE SUNSET DATE OF DECEMBER 31, 2016; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

This item was continued to the next meeting since Council Member Liang was absent and this was his appointment.

f. Discussion and Direction on FAAC Investment Recommendations

Vice Mayor Goltzené commented that these bond funds would only have a small yield. The Town would not get rich on these investments, but would be more than now.

Motion: a motion to have Staff bring back resolutions to move forward with the two recommended investment entities was made by Vice Mayor Goltzené and seconded by Council Member Jarriel. Motion passed 4 – 0.

9. NEW BUSINESS

ADD:

a. Big Dog Ranch

A placard had been placed on the property by Palm Beach County, giving Big Dog Ranch 10 days, which ended Monday, to comply with building violations. The trailers on site were supposed to be construction trailers only, not open for business.

Attorney for Big Dog, Santo DiGangi, stated all activities on the site had been approved by Resolution No. 2015-09. The temporary office trailers were on the plans submitted to the Town on 6/29/2015. Plans were stamped by the Town on 11/19/2015. It had taken the Town six months to approve the final plans on 12/3/2015. Regarding the dogs on site, they were walked on leases and the waste was picked up in bags for proper disposal. Big Dog would be providing the Town with almost \$7,000 in taxes and had provided a 30 foot R/O/W for an equestrian trail. Palm Beach County has told Big Dog that they had no problem working with them, and Big Dog was requesting a two week extension.

Council Member McLendon wanted to know how many dogs and personnel were on the site. Also, was their primary access on Okeechobee?

Vice Mayor Goltzené stated they were not in compliance with condition #3 landscape plan, and there were not supposed to be any dogs before the sound monitoring was installed. Vice Mayor Goltzené added there did not appear to be a primary access established. Also he saw the personnel walking the dogs every day.

Laurie Simmons, President of Big Dog Ranch stated they plans had been submitted in June 2015 and sat unopened until they were stamped in November; and they would not be in temporary trailers except for this. She was out of Town when her employee submitted the applications for the trailers. Engineering drawings for handicap ramps were required for temporary office trailers; therefore, she advised employee to submit applications for construction trailers. She was supposed to change the applications to office trailers when ramp engineering came in, but did not. The trailers were within their use as medical rescue offices. In response to Council Member McLendon's question, Ms. Simmons stated there were 48 sick dogs, 3 heartworm techs, 2 vet techs, 1 Vet, 2 office personnel and 2 adoption girls on site. Ms. Simmons added that several sites in Loxahatchee Groves were fostering her animals and there

were at least 3 other pet rescues located in Loxahatchee Groves. Ms. Simmons stated that the Health Department had okayed the Consumptive Permit from PBC. When asked about South Florida Water Management, Ms. Simmons responded yes on the commercial building and no on the trailers.

Virginia Standish, North Road, stated that this community loves animals and do have other rescues here; however part of the problem was that Big Dog, on their facebook page, was inviting the public to their site. This could cause legal concerns for the Town. The Town was required to make sure everything was done right. They don't want to set a precedent of allowing the public to use a site while construction was still going on and no certificate of occupancy.

Karen Piesley, D Road, stated there were dogs on the site with parvo. Once that is in the ground, it is there for years. There are no health inspections at this site yet. Ms. Simmons responded that the dogs had come from Palm Beach County and were kept very isolated. Staff wore booties and jumpsuits and the dogs never leave the rooms for 3 weeks.

Council Member McLendon stated he was disappointed that Big Dog had put the dogs at risk. It was not fair. Big Dog had caused the problems and they have not met the conditions of the site plans they agreed to.

Council Member Jarriel stated let's keep it simple. The letter from the County on May 19th stated they wanted to give inspections to approve and letter says no active business or the electric would be cut on 10 business days. The County permits say construction trailers, not office. Not so much to fix all the problems, but Council Member Jarriel stated possibly give them 2 weeks to help the dogs.

Town Attorney Cirullo stated he hasn't evaluated the issues coming out tonight; but put the liability issue off for tonight's decision.

Motion: a motion to give Big Dog Ranch a two week extension to put the dogs somewhere else was made by Council Member Jarriel. Motion failed for no second.

10. COUNCIL REPORTS

- a. Council Member Todd McLendon
 - 1. Discussion and Direction on Solid Waste removal town-wide.

Council Member McLendon stated there were still a lot of properties with no garbage collection assessments, including nurseries that were using other properties to dump their garbage. There were two specific properties on Folsom and on Okeechobee. This was not fair and would like to see everyone assessed for garbage. Council Member Jarriel did not feel that properties with vacant land should be assessed the same as developed properties. Council Member McLendon would like to have Council direct Staff to bring back a plan. Town Attorney Cirullo advised the Council that Staff would have to research the procedures for special assessments, and possibly some alternatives.

Motion: a motion to direct Staff and Town Attorney to bring forward a plan for a garbage assessment for all properties in Loxahatchee Groves, and/or alternative ideas, was made by Council Member McLendon and seconded by Vice Mayor Goltzené. Motion passed 4 – 0.

Council Member McLendon asked to add a second item: a speed limit resolution for Folsom Road.

Council Member Jarriel stated that there should be speed control on Folsom road, but speed tables should not be considered. Fire/Rescue and the Police use Folsom as a main access now; and he would rather pay PBSO to monitor traffic than install speed tables. On a separate issue, there should be a resolution to drop the speed limit on Okeechobee to 40mph. Possibly the County would help with this. Council Member McLendon suggested that if the speed limits were lowered to 30mph then speed tables would not be necessary. Mayor Browning responded that he was not an advocate of speed tables, but he was not against lowering the speed limits, and asked what the statutory limits were.

Motion: a motion to direct Staff and Town Attorney to bring forward resolutions to lower the speed limits to 30mp and notify the County was made by Council Member McLendon and seconded by Council Member Jarriel. Motion passed 4 – 0.

Council Member McLendon suggested the Manager work with Ms. Herzog on the park which had received the grant funds. Also commented that maybe her next grant could be for guardrails.

Vice Mayor Goltzené added an item for discussion: a moratorium on animal rescues with over 20 dogs.

Motion: a motion to direct Staff and Town Attorney to bring forward an ordinance creating a moratorium on animal rescue facilities with over 20 dogs was made by Vice Mayor Goltzené and seconded by Council Member McLendon. Motion passed 4 – 0.

Manager Underwood asked for clarification that this would include all rescue facilities. Council agreed it would cover all.

11. CLOSING COMMENTS

a. Public

Virginia Standish, North Road, thanked the Council for getting rid of the stops on Folsom Road, since George Webb doesn't own the roads. Regarding trail crossings, possibly B Road could be used for testing.

b. Town Attorney

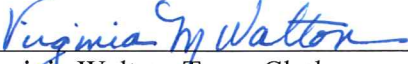
Town Attorney Cirullo asked if another Shade Meeting was required for PSG, he would like Council consensus to schedule. Council gave consensus. Town Attorney Cirullo stated he provided a memo regarding the flood plan ordinance and would welcome comments.

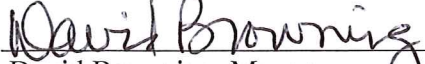
c. Town Council Members

Each member thanked everyone for coming tonight and safe travels home.

13. ADJOURNMENT

Hearing no further business, a motion to adjourn the meeting was made at 9:46 PM.


Virginia Walton, Town Clerk


David Browning, Mayor

These minutes were approved by the Town Council on Tuesday, JUNE 21 2016.

